AIR QUALITY PERMIT

Issued To: S&N Concrete
3106 Highway 10 A
Anaconda, MT 59711

Permit #3230-01
Complete Application Submitted: 03/13/03
Preliminary Determination Issued: 04/02/03
Department Decision Issued: 04/18/03
Permit Final: 05/06/03
AFS #777-3230

An air quality permit, with conditions, is hereby granted to S&N Concrete, pursuant to Sections 75-2-204 and 211, Montana Code Annotated (MCA), as amended, and the Administrative Rules of Montana (ARM) 17.8.740, *et seq*., as amended, for the following:

Section I: Permitted Facilities

A. Location

S&N Concrete operates a portable crushing/screening operation that will originally locate in Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana. However, Permit #3230-01 applies while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program or those areas in or within 10 kilometers (km) of certain PM_{10} nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* A list of the permitted equipment is included in Section 1.A of the Permit Analysis.

B. Current Permit Action

On March 13, 2002, S&N Concrete submitted a complete permit application to add a 325- kilowatt (kW) diesel generator, two 247-kW diesel generators, and a 100 ton per hour (TPH) crusher to Permit #3230-00. In addition, S&N Concrete requested that the 225-kW diesel generator and the 59 TPH crusher be removed from the permit. Also, S&N Concrete requested that the Department write the permit in a generalized manner to allow for operational flexibility.

Section II: Limitations and Conditions

A. Emissions Limitations

1. S&N Concrete shall not cause or authorize to be discharged into the atmosphere from any Standards of Performance for New Stationary Sources (NSPS) affected crusher, any visible emissions that exhibit an opacity of 15% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR Part 60, Subpart OOO).

2. S&N Concrete shall not cause or authorize to be discharged into the atmosphere from any other NSPS affected equipment, such as screens or conveyor transfers, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart OOO).

3. S&N Concrete shall not cause or authorize to be discharged into the atmosphere, from any non-NSPS affected equipment, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).

4. Water and spray bars shall be available on site at all times and operated, as necessary, to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.749 and ARM 17.8.752).

5. S&N Concrete shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308 and ARM 17.8.752).

6. S&N Concrete shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.5 (ARM 17.8.749 and ARM 17.8.752).

7. S&N Concrete shall not operate more than two crushers at any given time and the combined maximum rated design capacity shall not exceed 800 TPH (ARM 17.8.749).

8. Total crushing production from the two crushers shall be limited to 2,978,400 tons during any rolling 12-month time period (ARM 17.8.749).

9. S&N Concrete shall not operate more than three screens at any given time and the combined maximum rated design capacity shall not exceed 1,092 TPH (ARM 17.8.749).

10. Total screening production from the three screens shall be limited to 4,467,600 tons during any rolling 12-month time period (ARM 17.8.749).

11. S&N Concrete shall not operate more than three diesel generators at any given time and the combined maximum rated design capacity shall not exceed 819 kW (ARM 17.8.749).

12. The three diesel generators shall each be limited to 5,840 hours of operation during any rolling 12-month time period (ARM 17.8.749).

13. If the permitted equipment is used in conjunction with any other equipment owned or operated by S&N Concrete, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).

14. S&N Concrete shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO, as appropriate (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but no later than 180 days after initial startup, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures, as specified in 40

CFR Part 60.675, must be performed on any NSPS affected equipment to demonstrate compliance with the emission limitations contained in Section II.A.1 and II.A.2 (ARM 17.8.340, 40 CFR Part 60, General Provisions and Subpart OOO).

2. All compliance source tests shall be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).

3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another location, an Intent to Transfer Form must be sent to the Department. In addition, a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer Form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.765).

2. S&N Concrete shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the most recent emission inventory report and sources identified in Section I.A of the permit analysis.

   Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in the units required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. S&N Concrete shall notify the Department of any construction or improvement project conducted pursuant to ARM 17.8.745(1) that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit.

   The notice must be submitted to the Department, in writing, 10 days prior to startup or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(l)(d) (ARM 17.8.745).

4. S&N Concrete shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. All records compiled in accordance with this permit shall be maintained by S&N Concrete as a permanent business record for at least 5 years following the date of the measurement, shall be submitted to the Department upon request**,** and shall be available at the plant site for inspection by the Department (ARM 17.8.749).

5. S&N Concrete shall document, by month, the total crushing production from the two crushers. By the 25th day of each month, S&N Concrete shall total the crushing production from the two crushers during the previous 12 months to verify compliance with the limitation in Section II.A.8. A written report of the compliance verification shall be submitted along with the annual emission

inventory (ARM 17.8.749).

6. S&N Concrete shall document, by month, the total screening production from the three screens. By the 25th day of each month, S&N Concrete shall total the screening production from the three screens during the previous 12 months to verify compliance with the limitation in Section II.A.10. A written report of the compliance verification shall be submitted along with the annual emission inventory (ARM 17.8.749).

7. S&N Concrete shall document, by month, the total hours of operation for the three diesel generators. By the 25th day of each month, S&N Concrete shall total the hours of operation for the three diesel generators during the previous 12 months to verify compliance with the limitation in Section II.A.12. A written report of the compliance verification shall be submitted along with the annual emission inventory (ARM 17.8.749).

8. S&N Concrete shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted with the annual emissions inventory information (ARM 17.8.1204).

Section III: General Conditions

A. Inspection – S&N Concrete shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.

B. Waiver - The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if S&N Concrete fails to appeal as indicated below.

C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving S&N Concrete of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq*. (ARM 17.8.756).

D. Enforcement - Violations of limitations, conditions, and requirements contained herein may constitute grounds for permit revocation, penalties, or other enforcement as specified in Section 75-2-401 *et seq*., MCA.

E. Appeals - Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing postpones the effective date of the Department decision until the conclusion of the hearing and issuance of a final decision by the Board. The Department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section.

F. Permit Inspection - As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.

G. Construction Commencement - Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked.

H. Permit Fee - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay by S&N Concrete of an annual operation fee may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.

I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.

J. S&N Concrete shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas having a Department approved permitting program.

PERMIT ANALYSIS
S&N Concrete
Permit Number 3230-01

I. Introduction/Process Description

A. Permitted Equipment

On March 13, 2002, S&N Concrete submitted a complete permit application to operate a portable crushing/screening facility and an associated wash plant. The crushing/screening operation consists of two portable crushers (maximum capacity up to 400 tons per hour (TPH) for each crusher), two screens (maximum capacity up to 400 TPH for each screen), two diesel generators (up to 227 kilowatts (kW) for each generator), a diesel generator (up to 325-kW), and 2 hoppers, 11 conveyors, and associated equipment. The wash plant consists of a screen (maximum capacity up to 292 TPH), 1 hopper, 5 conveyors, and associated equipment. The wash plant is also powered by the diesel generators. The original location for the facility will be in Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana. Permit #3230-01 will apply to the source while operating in any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program or those areas in or within 10 kilometers (km) of certain PM_{10} (particulate matter with an aerodynamic diameter of 10 microns or less) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana*.

B. Process Description

S&N Concrete proposes to use this crushing/screening plant and wash plant to crush and sort sand and gravel materials for use in various construction operations. For a typical operational setup, unprocessed materials are loaded into the crushing/screening plant by a hopper and transferred by conveyor to a screen. Materials are separated, with the smaller materials conveyed to a stockpile and the larger materials conveyed to a jaw crusher for crushing. From the jaw crusher, materials are conveyed to a second hopper and then conveyed to a second screen. Undersized materials are either conveyed to a product pile, or to a cone crusher to be crushed and recycled back to the initial screen. Additionally, the wash plant receives road base material that is conveyed to a screen**.** Materials are washed and separated at the screen, with the oversized materials being conveyed to one stockpile, undersized materials being conveyed to two other stockpiles, and sand is collected from the bottom of the screen into a wash tub. The sand is washed in the wash tub, transferred by a screw auger to a conveyor, and stockpiled for future use.

C. Permit History

On February 12, 2002, S&N Concrete was issued Permit #3230-00 to operate a portable crushing/screening facility and associated wash plant. The crushing/screening operation consisted of a 1951 Austin-Western (18”x38”) jaw crusher (maximum capacity 52 ton/hr), a 1951 Austin-Western screen (maximum capacity 110 ton/hr), a 1950 Eagle (4’x10’) vibrating 2-deck screen (maximum capacity 59 ton/hr), a 1950 Telesmith (36”) gyratory cone crusher (maximum capacity 59 ton/hr), a 225-kW Caterpillar diesel generator, 2 hoppers, 7 conveyors, and associated equipment. The wash plant consisted of a 1957 Cedar Rapids (4’x12’) 3-deck screen (maximum capacity 102 ton/hr), 1 hopper, 5 conveyors, and associated equipment. The wash plant was also powered by the diesel generator. The original location for the facility was identified as Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana.

D. Current Permit Action

On March 13, 2002, S&N Concrete submitted a complete permit application to add a 325- kW diesel generator, two 247-kW diesel generators, and a 100 TPH crusher to Permit #3230-00. In addition, S&N Concrete requested that the 225-kW diesel generator and the 59 TPH crusher be removed from the permit. Also, S&N Concrete requested that the Department write the permit in a generalized manner to allow for operational flexibility.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT) determinations, air quality impacts, and environmental assessments, is included in the analysis associated with each change to the permit.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department. Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1 - General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary, using methods approved by the Department.

3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq*., Montana Code Annotated (MCA).

   S&N Concrete shall comply with the requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.

5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or

maintained in such a manner as to create a public nuisance.

B. ARM 17.8, Subchapter 2 - Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for PM_{10}

S&N Concrete must comply with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 - Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.

2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, S&N Concete shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.

3. ARM 17.8.310 Particulate Matter, Industrial Processes. This rule requires that no person shall cause or allow to be discharged into the atmosphere particulate matter in excess of the amount set forth in this rule.

4. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this rule.

5. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.

6. ARM 17.8.340 Standards of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). The owner or operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, shall comply with the standards and provisions of 40 CFR Part 60.

   In order for a crushing/screening plant to be subject to NSPS requirements, two specific criteria must be met. First, the crushing/screening plant must meet the definition of an affected facility and, second, the equipment in question must have been constructed, reconstructed, or modified after August 31, 1983**.** Based on the information submitted by S&N Concrete, at the time of issuance of Permit #3230-01, the crushing/screening equipment to be used under Permit #3230-01 may be subject to New Source Performance Standards (NSPS) requirements (40 CFR Part 60, Subpart A General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants).

D. ARM 17.8, Subchapter 5 - Air Quality Permit Application, Operation, and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that S&N Concrete submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. S&N Concrete submitted the appropriate permit application fee as required for the current permit action.

2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department. This operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

   An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.

E. ARM 17.8, Subchapter 7 - Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a facility to obtain an air quality permit or permit alteration if they construct, alter, or use any asphalt plant, crusher, or screen that has the potential to emit greater than 15 tons per year of any pollutant. S&N Concrete has the potential to emit more than 15 tons per year of total particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}), oxides of nitrogen (NO_x), and carbon monoxide (CO); therefore, an air quality permit is required.

3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit program.

4. ARM 17.8.745 Montana Air Quality Permits—Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that are not subject to the Montana Air Quality Permit Program.

5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. This rule requires that a permit application be submitted prior to installation, alteration or use of a source. S&N Concrete submitted the required permit application for the current permit action. This rule requires that a permit application be submitted prior to installation, alteration or use of a source. S&N Concrete submitted the required permit application for the current permit action. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit.

S&N Concrete submitted affidavits of publication of public notice for the February 28, 2003, issue of the *Montana Standard*, a newspaper of general circulation in the Town of Butte, in Silver Bow County, as proof of compliance with the public notice requirements.

6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.

7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section III of this permit analysis.

8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.

9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving S&N Concrete of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq*.

10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.

11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.

12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).

13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.

14. ARM 17.8.765 Transfer of Permit. This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

F. ARM 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality,

including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.

2. ARM 17.8.818 Review of Major Stationary Sources and Major Modifications--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source because it is not a listed source and does not have the potential to emit more than 250 tons per year of any air pollutant (excluding fugitive emissions).

G. ARM 17.8, Subchapter 12 - Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:

   a. Potential to Emit (PTE) > 100 tons/year of any pollutant;

   b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or a lesser quantity as the Department may establish by rule; or

   c. PTE > 70 tons/year of PM_{10} in a serious PM_{10} nonattainment area.

2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204(1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #3230-01 for the S&N Concrete facility, the following conclusions were made:

   a. The facility's PTE is less than 100 tons/year for any pollutant.

   b. The facility's PTE is less than 10 tons/year of any one HAP and less than 25 tons/year of all HAPs.

   c. This source is not located in a serious PM_{10} nonattainment area.

   d. This facility is not subject to any current NESHAP standards.

   e. This facility is probably subject to current NSPS standards (40 CFR 60, Subpart A and Subpart OOO).

   f. This source is not a Title IV affected source nor a solid waste combustion unit.

   g. This source is not an EPA designated Title V source.

Based on the above conclusions, the Department determined that S&N Concrete is a minor source of emissions as defined under Title V. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, S&N Concrete may be required to obtain a Title V Operating Permit.

   h. The Department may exempt a source from the requirement to obtain an

air quality operating permit by establishing federally enforceable limitations that limit the source's potential to emit.

i. In applying for an exemption under this section, the owner or operator of the source shall certify to the Department that the source's potential to emit... does not require the source to obtain an air quality operating permit.

ii. Any source that obtains a federally enforceable limit on potential to emit shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit.

The Department has determined that the annual reporting requirements contained in the permit are sufficient to satisfy this requirement.

3. ARM 17.8.1207 Certification of Truth Accuracy and Completeness. The compliance certification submittal required by ARM 17.8.1204(3) should contain certification by a responsible official of truth, accuracy, and completeness by a responsible official. This certification and any other certification required under this subchapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

III. BACT Determination

A BACT determination is required for any new or modified source. S&N Concrete shall install on the new or modified source the maximum air pollution control capability that is technologically practicable and economically feasible, except that BACT shall be used. The Department reviewed previous BACT determinations for other recently permitted similar sources prior to making the following BACT determinations.

S&N Concrete shall not cause or authorize to be discharged into the atmosphere from any NSPS affected crusher, any visible emissions that exhibit an opacity of 15% or greater averaged over 6 consecutive minutes. S&N Concrete shall not cause to be discharged into the atmosphere from any other NSPS affected equipment, such as screens or conveyor transfers, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes. S&N Concrete shall not cause to be discharged into the atmosphere from any non-NSPS affected equipment, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes. S&N Concrete must also take reasonable precautions to limit the fugitive emissions of airborne particulate matter from haul roads, access roads, parking areas, and the general plant property. S&N Concrete is required to use water spray bars and water and/or chemical dust suppressant, as necessary, to maintain compliance with the opacity and reasonable precaution limitations. The Department determined that using water spray bars and water and/or chemical dust suppressant to maintain compliance with the opacity requirements and reasonable precaution limitations constitutes BACT for these sources.

Because of the amount of NO_x, CO, VOC, and SO_x emissions produced by the diesel generators, add-on controls would be cost prohibitive. Thus, the Department determined that no additional control would constitute BACT for the three generators. The control options selected have controls and control costs similar to other recently permitted similar sources and are capable of achieving the appropriate emission standards.

IV. Emission Inventory

Source	Tons/Year PM	PM_{10}	NO_x	VOC	CO	SO_x
Crusher (maximum capacity up to 400 TPH)	1.86	0.89				
Crusher (maximum capacity up to 400 TPH)	1.86	0.89				
Screen (maximum capacity up to 400 TPH)	11.73	5.58				
Screen (maximum capacity up to 400 TPH)	11.73	5.58				
Crushing/Screening Material Transfer	16.20	7.82				
Crushing/Screening Pile Forming	9.38	4.47				
Crushing/Screening Bulk Loading	3.13	1.49				
Diesel Generator (325-kW)	2.80	2.80	39.45	3.14	8.50	2.61
Diesel Generator (247-kW)	2.13	2.13	29.98	2.39	6.46	1.98
Diesel Generator (247-kW)	2.13	2.13	29.98	2.39	6.46	1.98
Wash Plant Screen (maximum capacity up to 292 TPH)	7.04	3.35				
Wash Plant Material Transfer	7.56	3.65				
Wash Plant Pile Forming	12.51	5.96				
Wash Plant Bulk Loading	3.13	1.49				
Haul Roads	2.74	1.23				
Total	95.93	49.46	99.41	7.92	21.42	6.57

- A complete emission inventory for Permit #3230-01 is on file with the Department.

V. Existing Air Quality

Permit #3230-01 is issued for the operation of a portable crushing/screening plant to be originally located in Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana. This facility would be allowed to operate at this proposed site, and any other areas designated as attainment or unclassified for all National Ambient Air Quality Standards (NAAQS).

VI. Air Quality Impacts

Permit #3230-01 will cover the operation while operating at any location within Montana, excluding those counties that have a Department approved permitting program or those locations in or within 10 km of certain PM_{10} nonattainment areas. In the view of the Department, the amount of controlled emissions generated by this facility will not exceed any set ambient standard. In addition, this source is portable and any air quality impacts will be minor.

VII. Taking or Damaging Implication Analysis

As required by 2-10-101 through 105, MCA, the Department conducted a private property taking and damaging assessment and determined there are no taking or damaging implications.

VIII. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air and Waste Management Bureau
1520 East Sixth Avenue
P.O. Box 200901
Helena, Montana 59620-0901
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued For: S&N Concrete
3106 Highway 10 A
Anaconda, MT 59711

Permit Number: #3230-01

Preliminary Determination Issued: April 2, 2003
Department Decision Issued: April 18, 2003
Permit Final: May 6, 2003

1. *Legal Description of Site*: S&N Concrete submitted an application to operate a portable crushing/screening plant and wash plant in Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana. Permit #3230-01 would apply while operating at any location in Montana, except within those areas having a Department approved permitting program or those areas in or within 10 km of certain PM_{10} (particulate matter with an aerodynamic diameter of 10 microns or less) nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.*

2. *Description of Project*: The permit application proposes the construction and operation of a portable crushing/screening plant and wash plant that would consist of two portable crushers (maximum capacity up to 400 tons per hour (TPH) for each crusher), two screens (maximum capacity up to 400 TPH for each screen), two diesel generators (up to 227-kW for each generator), a diesel generator (up to 325-kW), 2 hoppers, 11 conveyors, and associated equipment. The wash plant consists of a screen (maximum capacity up to 292 TPH), 1 hopper, 5 conveyors, and associated equipment. The wash plant is also powered by the diesel generators.

3. *Objectives of Project*: The objective of the project would be to generate additional business and revenue for the company by the sale and use of the aggregate. S&N has submitted a complete permit application for the crushing/screening plant. The issuance of Permit #3230-01 would allow S&N Concrete the opportunity to bid on additional, larger projects.

4. *Additional Project Site Information:* In many cases, the crushing/screening operation may move to a general site location or open cut pit, which has been previously permitted through the IEMB. If this were the case, a more extensive EA would have been conducted and would be found in the Mined Land Reclamation Permit for that specific site.

5. *Alternatives Considered*: In addition to the proposed action, the Department also considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality preconstruction permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because S&N Concrete demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.

6. *A Listing of Mitigation, Stipulations, and Other Controls*: A listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in Permit #3230-01.

7. *Regulatory Effects on Private Property Rights*: The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined that the permit conditions would be reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and would not unduly restrict private property rights.

8. *The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The "no action alternative" was discussed previously.*

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Terrestrial and Aquatic Life and Habitats			X			yes
B.	Water Quality, Quantity, and Distribution			X			yes
C.	Geology and Soil Quality, Stability, and Moisture			X			yes
D.	Vegetation Cover, Quantity, and Quality			X			yes
E.	Aesthetics			X			yes
F.	Air Quality			X			yes
G.	Unique Endangered, Fragile, or Limited Environmental Resource				X		yes
H.	Demands on Environmental Resource of Water, Air, and Energy			X			yes
I	Historical and Archaeological Sites			X			yes
J.	Cumulative and Secondary Impacts			X			yes

Summary of Comments on Potential Physical and Biological Effects: The following comments have been prepared by the Department.

A. Terrestrial and Aquatic Life and Habitats

Terrestrials would use the same area as the crushing/screening operations. The crushing/screening operations would be considered a minor source of emissions, by industrial standards, with intermittent and seasonal operations. Therefore, only minor effects to terrestrial life would be expected as a result of equipment operations or from pollutant deposition.

Impacts on aquatic life would result from water runoff and pollutant deposition, but any impacts would be minor as the facility would be a minor source of emissions, by industrial standards, with intermittent and seasonal operations. Since good dispersion of air pollutants would occur in the proposed area of operation, only minor pollutant deposition would occur. At the initial site location, the nearest surface water is a ditch that is approximately 1/5 mile away and the water

from it flows into the Mill-Willow bypass and into the Clark Fork River. Because of the small amount of deposition that would occur and the distance to the nearest surface water, any impacts to the aquatic life would be minor.

B. Water Quality, Quantity, and Distribution

Water would be used for dust suppression on the surrounding roadways, areas of operation, and for pollution control on equipment operations, but would only cause a minor disturbance to the area since relatively small amounts of water would be needed. No surface water or ground water quality impacts would be expected as a result of using water for dust suppression because relatively small amounts of water would be required. In addition, any accidental spills or leaks from equipment would be handled according to the appropriate environmental regulations, in an effort to minimize any potential impact on the immediate and surrounding area. Thus, only minor impacts to water quality, quantity, and distribution in the area would occur.

As described in Section 8.F of this EA, the maximum impacts from the air emissions from this facility would be relatively minor. Also, emissions would be relatively minor, intermittent, and short-lived, as they would be from a facility considered minor by industrial standards and that would operate on an intermittent and seasonal basis. Thus, the small and intermittent amounts of deposition from the crushing/screening operations and the facilities distance to those water resources would only result in minor impacts on water quality, quantity, and distribution.

C. Geology and Soil Quality, Stability, and Moisture

There would be minor impacts to the geology and soil quality, stability, and moisture near the crushing/screening area due to facility's construction and use, increase in vehicle traffic, the use of water to control dust, and deposition of pollutants from the crushing/screening operation. Because of the relatively small size and portable nature of the operation, and the fact that equipment operations would take place within a previously disturbed gravel pit, any associated impacts to soil stability, porosity, and composition would be minor. Minor increases in traffic would occur, but would be on an intermittent and temporary basis. Therefore, traffic to and from the site would be primarily on existing roadways and would only result in minimal impacts to the soil quality, stability, and moisture. Further, only relatively small amounts of water would need to be applied to control dust on the surrounding roadways, for the facilities pollution control operations, and dust control within the gravel pit. Thus, the soil moisture content, soil stability, and soil quality would only be minimally affected by the use of water for dust control. In addition, as described in Section 8.F of this EA, since there would be relatively minor amounts of air emissions generated, the corresponding deposition of air pollutants in this area would also be minor. While some of the air emissions would deposit on local soils, good pollutant dispersion within the area would minimize any air quality and soil quality impacts from this facility's operations.

D. Vegetation Cover, Quantity, and Quality

The existing vegetation cover would be impacted by emissions from the crushing/screening facility. However, given the operations relatively small size and temporary nature, any impacts from emissions would be minor. As described in Section 8.F of this EA, since corresponding deposition of the air pollutants on the surrounding vegetation would be minor, impacts from air emissions would also be minor. Also, because water use would be minimal, as described in Section 8.B of this EA, and the associated soil disturbance would be minimal, as described in Section 8.C of this EA, corresponding vegetative impacts would also be minor. Additionally, the proposed facility would operate in compliance with the National and Montana Ambient Air Quality Standards (NAAQS and MAAQS), so the vegetation would be protected against damage from any associated air pollutants. These standards are designed to be protective of both human health (from primary air quality standards) and public welfare (from secondary air quality

standards).

E. Aesthetics

The crushing/screening operations would be visible and would create additional noise in the area. Permit #3230-01 would include conditions to control emissions, including visible emissions, from the plant. Since the crushing/screening operations would have minor amounts of emissions, would be portable, would have seasonal and intermittent operations, and would locate within an existing pit, any visual and noise impacts would be minor.

F. Air Quality

The air quality impacts from the crushing/screening operations would be minor because Permit #3230-01 would include conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution. Additionally, the facility's production capacity would be relatively small and would be considered a minor source of air pollution by industrial standards. Also, the facility would typically locate in areas where good dispersion would occur. Thus, the size and location of the facility would result in minimal air quality impacts.

The operations would be limited, by Permit #3230-01, to total particulate emissions of 250 tons/year or less from non-fugitive sources at the plant, in addition to any additional equipment at the site. However, because the facility would be relatively small, the amount of emissions the facility would be capable of emitting is below any applicable NAAQS or MAAQS. The permit would require the facility to use water spray to further reduce pollutant emissions from equipment operations, storage piles, and haul roads. The proposed site would be in an area where similar industrial disturbance has previously occurred, would be in an area where good pollutant dispersion would occur, and would be in an area where any potential impacts would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department, in an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources in the proposed area of operations, contacted the Montana Natural Heritage Program (MNHP) to identify any species of special concern associated with the proposed site location (Section 8, Township 4 North, Range 10 West, in Deer Lodge County, Montana). Search results concluded there is one known environmental resource documented on file for the surrounding area. However, the species of special concern (identified as the mealy primrose) was not found within the defined area. The defined area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer. Therefore, no impacts from operation of the crushing/screening plant and associated wash plant would be expected.

H. Demands on Environmental Resource of Water, Air, and Energy

The crushing/screening operations would only require small quantities of water and energy for proper operation, due to the relatively small size of the facility. Small amounts of water would be used for dust control from the equipment, the stockpiles, and the associated haul roads. Energy demands to operate the facility would be minor because the operation would consist of three diesel generators, having limited hours of operation, that are considered small by industrial standards, and would consume minor amounts of fuel. Further, as described in Section 8.F. of this EA, pollutant emissions generated from the facility would have only minor impacts on air quality in the immediate and surrounding area because the facility is relatively small by industrial standards and intermittent and seasonal in operations. Therefore, any impacts would be minor due to the facility's size and the operational conditions that would be incorporated in Permit #3230-01.

I. Historical and Archaeological Sites

The Department previously contacted the Montana Historical Society - State Historical Preservation Office (SHPO) in an effort to identify any historical and/or archaeological sites that may be present in the proposed area of construction/operation. Search results concluded that there are no previously recorded historical or archaeological resources of concern within the area proposed for initial operations. According to past correspondence from the Montana State Historic Preservation Office, given the previous industrial disturbance in the area, there would be a low likelihood of adverse disturbance to any known archaeological or historic site. Therefore, it is unlikely this facility's operations would affect any known historical or archaeological site at the proposed operational location.

J. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor cumulative and secondary environmental impacts to the physical and biological aspects of the human environment because the facility would generally have only seasonal, intermittent, and temporary use, and because the facility would be considered a minor source of air pollutants by industrial standards. The facility would generate emissions of particulate matter (PM), $PM_{10,}$ oxides of nitrogen (NO_x), volatile organic compounds (VOC), carbon monoxide (CO), and oxides of sulfur (SO_x). Noise would also be generated from the site, but would cause minimal disturbance because the site is in an existing pit and in a relatively remote location. Also, the noise generated would be muffled by the pit and from nearby highway, Highway #1. This facility, in combination with the other emissions from the site, would not be allowed to exceed 250 tons per year of non-fugitive emissions. Additionally, any other permits for the existing site would address environmental impacts associated with their operations at the proposed site. The Department believes that this facility could be expected to operate in compliance with all applicable rules and regulations as would be outlined in Permit #3230-01. Further, the crushing/screening operation would be limited by Permit #3230-01 to total emissions of 250 tons per year or less from all non-fugitive emissions sources operated at any given site.

9. *The following table summarizes the potential economic and social effects of the proposed project on the human environment. The "no action alternative" was discussed previously.*

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Social Structures and Mores				X		yes
B.	Cultural Uniqueness and Diversity				X		yes
C.	Local and State Tax Base and Tax Revenue			X			yes
D	Agricultural or Industrial Production			X			yes
E.	Human Health			X			yes
F.	Access to and Quality of Recreational and Wilderness Activities			X			yes
G	Quantity and Distribution of Employment			X			yes
H.	Distribution of Population				X		yes
I.	Demands for Government Services			X			yes
J.	Industrial and Commercial Activity			X			yes
K.	Locally Adopted Environmental Plans and Goals				X		yes
L.	Cumulative and Secondary Impacts			X			yes

SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC AND SOCIAL EFFECTS: The following comments have been prepared by the Department.

A. Social Structures and Mores

The crushing/screening operation would cause no disruption to the social structures and mores in the area because the source would be relatively small and temporary in nature. Additionally, the equipment would be located in a remote location, in a previously developed gravel pit that has been developed along Highway #1, and would be a minor source of air pollution**.** Thus, no native or traditional lifestyles or communities would be affected by the proposed project operations and the predominant use of the surrounding area would not change as a result of this project.

B. Cultural Uniqueness and Diversity

The crushing/screening operations would have no impact on the cultural uniqueness and diversity of this area of operation because the use of the site and surrounding area would not change. The facility is a relatively small and temporary source that would be operating at a relatively remote

location. The nearest resident would be approximately 1 mile to the Southeast and the nearest town would be Opportunity, Montana, which is approximately 2 miles away from the proposed location.

Additionally, the facility would be considered a minor source of emissions by industrial standards. Thus, the proposed operations would be removed from the general population, would be relatively small and portable, and would be locating in an area previously used for such purposes. Therefore, impacts upon the cultural uniqueness and diversity of the area would not occur.

C. Local and State Tax Base and Tax Revenue

The crushing/screening operations would have little, if any, affect on the local and state tax base and tax revenue because the facility would be a temporary source and would be small by industrial standards. The facility would only need a few employees to operate, so only minor impacts to the local and state tax base and revenue would be expected from the use of the employees and from the facility production. Furthermore, any impacts to local tax base and tax revenue would be minor because the source would be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The proposed crushing/screening project would locate on privately owned land, which has previously been used for the mining of gravel. The surrounding land has been used and impacted by a variety of mining activities. Because of the surrounding land use, past land use of the site, and seasonal, temporary, and intermittent use of the facility, only minor effects to agricultural land could be expected. The land is adjacent to an existing improved roadway and in an area of industrial usage. Further, the crushing/screening operations are small by industrial standards and, thus, would have only a minor impact on local industrial production. Additionally, pollution control would be utilized on equipment operations and production limits would be established to protect the surrounding environment at the initial operating site or any other future area of operation.

E. Human Health

Permit #3230-01 would incorporate conditions to ensure that the crushing/screening operations would be operated in compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health. As described in Section 8.F of this EA, the air emissions from this facility would be minimized by the use of water spray and opacity and production limitations, as established in Permit #3230-01. Therefore, since these conditions would be incorporated into the permit, because the facility is relatively small and would locate in an area with good air dispersion, any associated impacts to human health would be minor.

F. Access to and Quality of Recreational and Wilderness Activities

The crushing/screening operations would not affect any access to recreational and wilderness activities because of its immediate proximity to an improved roadway and historic industrial usage of the area. However, minor effects on the quality of recreational activities may be created by noise from the site. Any noise impacts from the site would be minor, intermittent, and temporary, due to the portable nature of the crushing/screening operations and the operation's current proximity to Highway #1.

G. Quantity and Distribution of Employment

Given the relatively small size and portable nature of the operation, the quantity and distribution of employment in this area would only be minimally affected. S&N Concrete would use seven existing employees and no new employees for the project. Additionally, because the facility is a small and temporary source, any changes in the quality and distribution of employment from the use of this relatively small industrial source would be minor and short-lived.

H. Distribution of Population

Given the relatively small size and temporary nature of the crushing/screening operation, the surrounding land usage, and the fact that the facility would be utilizing only seven seasonal employees, the normal population distribution in the area would not be affected.

I. Demands of Government Services

Minor increases would be seen on traffic on existing roadways in the area while the crushing/screening operations are in progress. In addition, government services would be required for acquiring the appropriate permits from government agencies. Demands for government services would be minor.

J. Industrial and Commercial Activity

The crushing/screening operations would represent only a minor increase in the industrial activity in the area because of the relatively small size and the portable and temporary nature of the facility. No additional industrial or commercial activity would result from the crushing/screening operations.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans or goals that would be affected by the proposed project. Therefore, no affects on such plans and goals would be expected.

L. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area because the source is a portable and temporary source. Minor increases in traffic would have minor effects on local traffic in the immediate area, thus, would have a direct effect on the social environment. Because the source is a relatively small and temporary source, only minor economic impacts to the local economy could be expected from the operation of the facility. Thus, only minor (but temporary) cumulative effects would also result to the economic and social resources of the area.

Recommendation: An EIS is not required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: All potential effects resulting from construction and operation of the proposed facility would be minor; therefore, an EIS is not required. In addition, the source would be applying BACT and the analysis indicates compliance with all applicable air quality rules and regulations.

Other groups or agencies contacted or which may have overlapping jurisdiction: Department of Environmental Quality - Permitting and Compliance Division (Air and Waste Management Bureau and Industrial and Energy Minerals Bureau); Montana Natural Heritage Program; and State Historic Preservation Office (Montana Historical Society).

Individuals or groups contributing to this EA: Department of Environmental Quality (Air and Waste Management Bureau and Industrial and Energy Minerals Bureau), Montana Natural Heritage Program, and State Historic Preservation Office (Montana Historical Society).

EA prepared by: Ron Lowney
Date: March 26, 2003